

**REMARKS**

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-10 were pending at the time the outstanding Office Action was issued. Claims 1-10 stand rejected. Of these remaining claims, Claims 1 and 6 are independent claims, and the remaining claims are dependent claims. In response, Applicant has filed this Amendment, wherein claims 1-8 and 10 have been amended, claim 9 cancelled, and claims 21-31 are newly presented. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the foregoing amendments and the following remarks.

On January 16, 2009, Applicant and Applicant's representatives conducted a telephone interview with the Examiner. The claims pending in the application at that time were discussed with regard to the cited art; however, no agreement was reached.

It should be noted that Applicant is not conceding in this application that the claims amended or cancelled herein are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicant specifically states that no amendment to or cancellation of any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended or cancelled claim.

**Rejections under 35 U.S.C. 102(b or e)/103(a)**

Claims 1-10 stand rejected under 35 USC 102(b or e) as being anticipated by Broselow (6,132,416) or in the alternative under 35 USC 103(a) as obvious over Broselow in view of Fischer (5,289,919). Applicants respectfully request reconsideration and withdrawal of these rejections.

Applicant respectfully submits that the previously submitted remarks of July 25, 2008 remain equally applicable here and therefore these remarks are incorporated by reference here.

Nonetheless, solely in an effort to facilitate expeditious prosecution of this case, Applicant has amended claims 1-10. Applicant respectfully submits that the references fail to teach or suggest all the claim limitations, even when taken in combination.

Applicant kindly reminds the Examiner that “[w]hen determining whether a claim is obvious, an examiner must make a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art. Thus, obviousness requires a suggestion of all limitations in a claim. Moreover, as the Supreme Court recently stated, *there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness.” *Ex parte H. Garrett Wada et al.*, pp. 7, Appeal No. 2007-3733 (BPAI January 14, 2008) (internal quotation marks and citations omitted) (emphasis in original).

Accordingly, Applicant respectfully submits that none of the art of record or the state of the art teaches or suggests:

A medication deliver system comprising: *a plurality of indicia coded syringes* for delivering pre-determined dosages of medication; *said plurality of indicia coded syringes having pre-determined dosages of medication therein and indicia of said pre-determined dosages of medication thereon*; *a storage unit comprising medication drawers* for organizing said *plurality of indicia coded syringes*, *said medication drawers having compartments therein, the compartments having indicia corresponding to said indicia of said pre-determined dosages*; and *wherein said indicia of said pre-determined dosages of medication correspond to indicia displayed by a glucometer upon a determination of a blood glucose level*.

Claim 1 (emphasis added). Applicant also respectfully submits that none of the art of record or the state of the art teaches or suggests:

An apparatus for delivering medication comprising: a barrel containing a pre-determined dosage of medication; a *color-distinct* plunger rod slidably mounted within said barrel; *and* a needle extending from *a* needle end of *said barrel for delivering said pre-determined dosage of medication*; *wherein said color-distinct plunger rod corresponds to said pre-determined dosage of medication and a color displayed by a glucometer corresponding to a blood glucose reading*.

Claim 6 (emphasis added).

In summary, Applicant respectfully submits that none of the art of record teaches or suggests the limitations of the claims as amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections.

#### **Newly Added Claims**

Applicant notes that claims 21-31 have been newly presented herein. Applicant respectfully submits that none of the art of record or the state of the art teaches or suggests:

An apparatus for delivering medication comprising: a barrel containing a pre-filled dosage of insulin; a plunger rod slidably mounted within said barrel; and a needle extending from a needle end of said barrel for delivering said pre-filled dosage of insulin; wherein said apparatus has an indication thereon corresponding to said pre-filled dosage of insulin and a corresponding indication displayed by a glucometer; and wherein said pre-filled dosage of insulin comprises a correct dosage of insulin for a blood glucose level.

Claim 21 (emphasis added). Accordingly, Applicant respectfully submits that this claim is presently in condition for allowance along with its dependent claims (22-28).

Moreover, Applicant respectfully submits that newly added dependent claims 29-31 are allowable for at least the reason of being dependent from what is believed to be an allowable independent claim (i.e. claim 1).

### **Conclusion**

In view of the foregoing, it is respectfully submitted that Independent Claims 1, 6 and 21 fully distinguish over the applied art and are thus allowable. By virtue of dependence from what are believed to allowable independent claims, it is thus also submitted that the remaining claims are allowable at this juncture.

/

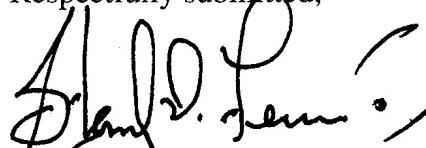
/

/

/

In summary, it is respectfully submitted that the instant application, including Claims 1-8 and 21-31, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. Should the Examiner conclude that the presently submitted claims are not in condition for allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below before issuing a further Office Action.

Respectfully submitted,



---

Stanley D. Ference III  
Registration No. 33,879

**Customer No. 35195**  
FERENCE & ASSOCIATES LLC  
409 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400  
(412) 741-9292 - Facsimile  
Attorneys for Applicant